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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Jason Crews,  
10 Plaintiff,  
11 v.  
12 The 85 Fund, *et al.*,  
13 Defendants.  
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No. CV-23-00971-PHX-JJT  
**ORDER**

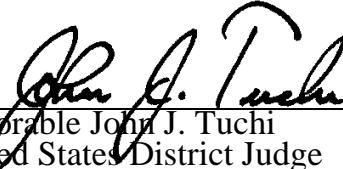
15 This matter having recently come before this Court,

16 **IT IS HEREBY ORDERED** that motions to dismiss pursuant to Fed. R. Civ. P.  
17 12(b) and motions to strike pursuant to Fed. R. Civ. P. 12(f) are discouraged if the defect  
18 that would be the subject of the motion can be cured by filing an amended pleading.  
19 Therefore, the parties must meet and confer prior to the filing of a motion to dismiss or  
20 motion to strike to determine whether it can be avoided. Consequently, motions to dismiss  
21 and motions to strike must be accompanied by a separately-filed notice of certification of  
22 conferral, stating that the parties have conferred to determine whether an amendment could  
23 cure a deficient pleading and that they have been unable to agree that the pleading is curable  
24 by a permissible amendment. **The Certification of Conferral shall include a brief**  
25 **summary of the issues the parties discussed but were unable to resolve.** In addition,  
26 parties shall endeavor not to oppose motions to amend that are filed prior to the Rule 16  
27 Scheduling Conference or within the time set for the Rule 16 Case Management Order.  
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1 Motions to dismiss and motions to strike that are not accompanied by the required  
2 certification are subject to striking on the Court's own motion.

3 **IT IS FURTHER ORDERED** that Plaintiff shall serve a copy of this Order on  
4 Defendants.

5 Dated this 7th day of June, 2023.

6   
7 Honorable John J. Tuchi  
8 United States District Judge

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